



1765067 - R8 SDMS

Ordinance No. 2004-3**Town of Rico****AUTHORIZING A VOLUNTARY CLEAN-UP APPLICATION WITH ATLANTIC RICHFIELD COMPANY, RICO RENAISSANCE AND RICO PROPERTIES.**

WHEREAS, atlantic Richfield Company has prepared a VCUP application to the Colorado Department of Public Health and Environment, 2004, for the purpose of testing soils for lead contamination and removing lead contaminated soils in the Town of Rico, and Atlantic Richfield, Rico Renaissance and Rico Properties have asked the Town of Rico to sign the VCUP Application as a co-applicant;

WHEREAS, lead contaminated soils may present a health risk to Rico residents and the removal of lead contaminated soils will benefit the health, safety and general welfare of the Rico community; and,

WHEREAS, a Voluntary Clean-up program in cooperation and partnership with Atlantic Richfield, Rico Renaissance and Rico Properties will promote beneficial coordination of many important community planning issues in addition to removal of lead contaminated soils;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

Section 1. VCUP Application Authorized. Clean-Up Plan application to the Colorado Department of Public Health and Environment with the Town as a co-applicant with Atlantic Richfield, Rico Renaissance and Rico Properties, for the purpose of conducting the Sample and Analysis Plan as proposed by Atlantic Richfield and with such revisions and direction as set forth in the May 11th, 2004, VCUP review letter by Mark Walker, CDPHE, Voluntary Cleanup Program and Phase I cleanup described therein, subject to CDPHE approval of all required future work plans described in the application. The Mayor, Manager and/or Town Clerk are authorized to execute documents necessary to submit this VCUP Application to the Colorado Department of Public Health and Environment.

Section 2. Effective Date. This Ordinance shall be effective immediately upon final adoption.

Section 3. Posting and Publishing. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published in the Rico Sun-Times.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 18th day of February, 2004.

READ AND APPROVED ON SECOND AND FINALLY READ AFTER CONDUCTING A PUBLIC HEARING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO on the 19th day of May, 2004.

By: Tom Clark, Mayor
[Town Seal]

Attest: Linda Yellowman, Town Clerk

Approved as to Form:
Eric James Heil, Esq., Town Attorney

Rico Soils VCUP

File #040220-1

Administrative Issues:

- *VCUP is under review (incomplete). The joint applicants (Rico & ARCO) are attempting to reach concurrence on the specifics of the remaining issues.

- *Site has a contract for quarterly billing by ARCO.

- *CDPHE has engaged the services of the AGO (contact Hannah Newmoff-Dulski 303 866-5081)

Technical Issues:

- *The VCUP consists of roughly four main pieces for completeness: 1. Cleanup plan for residential/commercial yards (approved) 2. Cleanup plan for additional operable units (Van Winkle, need veg performance standards for approval; Railroad corridor, need plan; E Shamrock Waste Pile, need plan; W Overbank Tails, need plan) 3. Institutional Controls; 10/07 draft exists, not yet approved by both applicants, therefore not formally submitted to CDPHE 4. Cleanup Plan for the Town Streets, assessment data submitted, applicants not yet in agreement on cleanup proposal.

- *Applicants are not yet in agreement, though the following topics have been discussed: 1. Cleanup of vacant lots 2. Funding for implementation of IC's 3. Environmental Covenants instead of IC's 4. Open Space # for Rico.

Next Steps:

- *Check on update to contract with ARCO, a new ceiling might be needed.

- *Provide verbal feedback on mutually agreed upon approach (even though that is attained by the applicants).

- *Review submittals, working toward a completed Voluntary Cleanup Plan.